

City of Fitchburg
Conservation Commission
MEETING MINUTES

TUESDAY, JANUARY 31, 2006

COMMISSIONERS IN ATTENDANCE: Tom Starr, Chairman, Phil Chalifoux, Mike Donnelly, John Koutonen

STAFF IN ATTENDANCE: Tim Smith, Mike O'Hara

CALL TO ORDER: Mr. Starr called the meeting to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

PUBLIC HEARINGS

Request for Determination of Applicability - Retail Management and Development, Inc., Central Plaza renovations, 130 Water St. (cont'd from 12-27-05)

Brent Ballantyne of TEC Inc. presented revisions. Added more landscaping along floodwall.

Mr. Donnelly asked if 25-foot setback from river is required.

Tim Smith: no, since site is "previously developed area" per riverfront regulations, can develop no closer than existing impervious areas, must attempt to mitigate adverse impacts.

Mr. Ballantyne: cannot make landscaping wider along Water St. because it would eliminate prime parking close to front door of relocated Market Basket.

sTimeline: due to open Jan/Feb '07.

Commission cautioned to be careful with demolition of auto dealership next to river.

Motion made & seconded to issue Negative Determination.

Vote 4-0 in favor.

Erosion & Sediment Control plan, McInnis, High Rock Rd. - new dwelling (cont'd from 12-27-05)

Revised plan reviewed. No retaining wall now.

Motion made & seconded to approve plan. Vote 4-0 in favor.

Notice of Intent - Legros, 1747 Rindge Road

Chris McKenzie of Whitman & Bingham and Mr. Legros, Sr. & Jr. present.

Revised plan -- now a common driveway shared w/ existing house (father). Commission expressed support for revision -- less impact on wetlands, eliminates a driveway crossing.

Motion made & seconded to approve revised plan & issue Order of Conditions. Vote 4-0 in favor.

Notice of Intent - Bernard, 1227 Rindge Rd., septic repair

Sean Hale of David E. Ross Assocs. presented plan. There was previous filing in 2002 for sewer extension to this & several other houses but was withdrawn. Applicant still obligated to address failing septic system.

Is all buffer zone work. Discussion on slopes (3:1) & whether need erosion control blanket.

Motion made & seconded to issue Order of Conditions, subject to:

- Installation of silt fence & haybales
- spread loose hay on 3:1 slope
- if there is erosion problem, ConCom reserves right to require installation of erosion control blanket w/in 48 hours.
- applicant to request Cert. of Compliance at time of Board of Health Cert. compliance

Vote 4-0 in favor.

Notice of Intent - King St., (Fairlane Homes), two-family dwelling

A representative of Fairlane Homes presented proposal.

Applicant is proposing fill to raise grade & placing house at higher elevation due to high groundwater. Commission reviewed Tim's report. Concerns raised with effect of drainage on abutting properties.

Applicant hasn't bought property yet. They will contact Planning Office if they want to go ahead with project & ConCom will schedule site visit.

Hearing continued to Feb. 28.

Request for Determination of Applicability - B & M railroad right-of-way

No one in attendance. Hearing continued to Feb. 28.

Notice of Intent - JCJ, Inc., Lots 11-14 Arn-How Farm Rd.

Ralph Romano of JCJ, Inc. & Rich Dougherty, P.E. present. Revised wetland delineation by Peter Fletcher --- well-respected by DEP. Wetland delineation has been enlarged.

Commission reviewed Tim's report. Mr. Romano responded to issues raised in Tim's report.

Discussion on gravel on Lot 12 which is now wetland. They're willing to remove before any construction. Discussion on temp. alteration to wetland for installation of waterline. Area would be covered & restored in one day. They'll use rubber-tired vehicle. They can revise "disturbed" sq. ft. # to reflect width of track.

Public comment:

Dave Nickless, 699 Arn-How Farm Rd. had several questions.

If ConCom allows this development, homeowners will alter wetland no matter how the approval is conditioned. Wetland alterations (well, driveway) have been on site for years.

Dave Keese, 587 Arn-How Farm Rd. Concerned about any drainage off site affecting his septic. Concerned with location of drainage off driveway of house on lot 13.

Hearing continued to Feb. 28 at 6:30 p.m.

Notice of Intent - L & R Realty Trust, South St. (cont'd from 11-29-05)

Bill Hannigan, Hannigan Engineering (representing applicant) & Fran Allain present.

Mr. Hannigan addressed issues raised in Tim's comments -- the "lot" is grandfathered under the Riverfront Regulation provided certain performance standards are met to the maximum extent feasible.

Must look at only the lot itself -- can't consider acquiring adjacent property in alternatives.

They're willing to deed restrict rear of property as open space forever.

Mr. Donnelly: wants to protect the resource area (riverfront) for wildlife habitat.

Motion made & seconded to approve plan as revised and issue Order of Conditions subject to deed restriction placed on rear of property as permanent open space. Vote 4-0 in favor.

Notice of Intent - Iron Horse Development, Westminster Hill Rd.

Ken Kalinowski, Marsden Engineering gave history of proposal. Plan was initially approved and appealed by abutter. There have been several site visits and revised wetland determinations by DEP. DEP issued Superseding Order denying project in fall of '05.

Revised plan shows proposed dwelling back on the westerly side of lot. Filling 1,944 sq. ft. & wetlands replication 3:1.

Public comment:

Mr. Fournier, 1264 Westminster Hill Rd. - concerned with water draining onto his property. Water sheets onto road from improperly filled trench in front of parcel.

Mr. Donnelly: maybe Mr. Marsden can help address abutter's drainage problem & put \$ into that instead of 3:1 replication.
Hearing continued to Feb. 28.

OTHER ITEMS

Final EIR for "Fairway Homes" development, Arn-How Farm & Billings Road available for review.

Commission signed extension for Cam Maillet, Lot 2A, Wanoosnoc Rd.

Motion made & seconded to have Commission appoint Harry Karis as an associate member.
Vote 4-0 in favor.

Meeting adjourned: 8:30 p.m.

Approved: 3-8-06